

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Werner WEITSCHIES et al.

Serial No.: 08/894,767



1641

Group Art Unit: 1616

Examiner: S. SHARAREH

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Filed: February 23, 1998

For: PROCESS AND COMPOUNDS FOR DETECTION OF ANALYTES USING  
REMANENCE MEASUREMENT, AND USE THEREOF

**RESPONSE TO REQUIREMENT FOR RESTRICTION**

Assistant Commissioner for Patents  
Washington, DC 20231

SIR:

**REMARKS**

In response to the Requirement for Restriction mailed July 5, 2000, applicants hereby elect Group I, claims 1, 2, 4, 5, 8-25 and 39, drawn to a method of qualitative and/or quantitative detection of analytes in liquid or solids phases using ferromagnetic or ferrimagnetic substances as labels. The Requirement for Restriction is respectfully traversed.

The requirement separates the claims into four groups, of which those in Groups I and II employ ferromagnetic or ferrimagnetic substances to detect analytes and those in Groups III and IV use ferrimagnetic or ferromagnetic substances to detect magnetically labelled structure-specific substances in a human. The claims of Groups II and IV further recite that external magnetic fields are employed. It is thus respectfully submitted that all four groups employ the "same or corresponding special technical feature", that is, the use of ferrimagnetic or ferromagnetic substances as labels to detect substances either *in vitro* or *in vivo*. In all four groups of claims the technical features of the invention are essentially the same, that is, materials labeled with magnetic substances are detected through the use of typical magnetization detection techniques. It does not matter whether the sample measured is a human, or an analyte *in vitro*, nor does it matter whether or not an external magnetic field is